

REMARKS

Claims 9, 10, 12-19, 21, 22 and 24-28 are pending in the application. Claims 15, 22 and 24-27 stand allowed. The Examiner objects to claims 13, 14, and 16. Claims 9, 10, 12, 17-19, 21 and 28 are rejected by the Examiner. The drawings filed on July 29, 2005 are allowed. The Examiner's objections and rejections are addressed below in substantially the same order as in the office action.

REJECTIONS UNDER 35 USC § 102

Claim 9, 10, 12, 17-19, 21 and 28 stand rejected under 35 USC 102 (b) as being anticipated by Rettinger et al. (US 5, 677,631). The Examiner contends that Rettinger discloses flowline sensor having a circumferential channel adapted to capture fluid therewithin. Specifically, the Examiner contends that items 30 and 31 such circumferential channels.

Applicant respectfully submits that the items 30 and 31 do not "capture" fluid. The plain and ordinary meaning of "capture" is to restrain movement or motion. In contrast the specification to Rettinger et al. expressly describes items 30 and 31 as structures for allowing or enabling the flow of fluid:

The sensor 13 is seated within a formation testing tool by a threading 32. The electrical housing of the testing tool is isolated from the formation liquid by O-ring seals 27, 28 and 29. The fluid flow is directed by an annular channel 31 formed in the outer circumference of the sensor 13 into the fluid flow inlet 26. A further annular channel 30 formed in the outer circumference of the sensor 13 provides a flow path for the fluid exiting the outlet 25 of the cavity 17. The channels circumvent the sensor 13 and eliminate any alignment problems which otherwise may occur in threading the sensor into the formation test tool. *Col 14, lines 13-23.*

Futhermore, Rettinger et al. describes the tool as directed to taking measurements of flowing fluid:

A two-port, coaxial, waveguide flowline sensor for transmitting TEM mode electromagnetic radio frequency signals through borehole fluids flowing through a longitudinal flowline cavity of the waveguide. *ABSTRACT.*

In a still further aspect of the invention, circumferential channels are grooved into the waveguide sensor to guide formation fluids into a fluid flow inlet of the waveguide flowline cavity, and through the cavity to a fluid flow outlet, thereby

eliminating alignment problems that otherwise may occur when installing the sensor in a subsurface formation testing tool. *Summary, Col. 8, lines 56-60.*

Because the specification clearly describes fluid as "flowing" through the channels 30 and 31, these channels cannot "capture" fluid as contended by the Examiner. Nevertheless, for clarity, claims 9, 22 and 17 have been amended to recite that fluid resides within the circumferential channels. Since fluid flows through the channels 30 and 31 of Rettinger et al., the fluid in Rettinger et al. clearly is not captured and does not reside in those channels. Because Rettinger does not teach or suggest each and every element of claim 9, 12, and 17, these claims are submitted to be in condition for allowance.

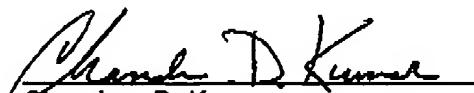
Additionally, since dependent claims 10, 18-19, 21 and 28 depend from a base claim believed to be in condition for allowance, these claims are also believed to be in condition on at least those grounds.

CONCLUSION

For all the foregoing reasons, Applicant submits that the application is in a condition for allowance. No fee is believed due for this paper. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-0429 (584-35278-US).

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I do hereby certify that this correspondence is being transmitted via facsimile, to the Commissioner for Patents, Examiner Kenneth Whittington, facsimile no. (571) 273-8300, on this 7th day of February, 2006.


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